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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/492,315      | 01/27/2000  | Daniel M. Brown      | 2119-121P           | 9732             |

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EXAMINER

PARKER, KENNETH

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2871

DATE MAILED: 06/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/492,315

Applicant(s)  
Brown et al

Examiner  
Kenneth Parker

Art Unit  
2871



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 6, 7, 9 6) ☐ Other:

Art Unit: 2871

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claim 1-4, 9-12, 15, 19, 21, is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Allio, U.S. Patent # 5,808,599.

Art Unit: 2871

Allio has a three color and two color embodiment, the three color embodiment shown in figure 1 a with L1-L3 each corresponding to the subpixels of a single viewpoint (three colors). The device of Allio is an autostereoscopic display with a pixel array with n (2) pixels in a pixel group, pixels divided into subpixels, pixel including subpixels in horizontal direction "from the viewers perspective, forming part of an individual perspective image, first array positioned vertically from the viewers intended perspective and focussing the subpixels to a point between the pixel array and viewer, each pixel group in the horizontal direction being focussed by a different first lens, second lenticular array, images from each pixel group are directed to a different location at an intended viewing point, the spacing of the images from each pixel of the pixel groups being separated at the intended viewing position at about the spacing between human eyes. Therefore, these claims are anticipated by this reference.

***Claim Rejections - 35 USC § 103***

**The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

**Art Unit: 2871**

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

**3. Claims 5, 8, 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allio, U.S. Patent # 5,808,599.**

It was well known to focus a lens on the next element, (which is the next lens array), which would have been obvious for that reason, and to use opposite sides of a lens array to make two lens arrays of a single element, would have been obvious for that reason.

The product by process limitation (the retrofitting) is not seen as defining a materially different product, and therefore do not patentably distinguish over the reference.

**4. Claims 16-17 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allio, U.S. Patent # 5,808,599 in view of (U.S. Patent # 6,956,001)**

Lacking from the disclosure is an offset distance which increases with distance from the center. The secondary reference teaches this for the benefit of preventing moire fringes (col. 35, lines 52-64 and figure 22), which would have been obvious for that reason.

Art Unit: 2871

5. Claims 6-7, 13-14, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allio, U.S. Patent # 5,808,599 in view of Carter et al (U.S. Patent # 6,091,482).

Lacking from the disclosure is the lenses being cylindrical. This was conventionally done as stated by Carter, column 2, lines 20-45, which would have been obvious for that reason.

Additionally, for the embodiment of Allio relevant to the claims (side by side colors), there is no reason to have two dimensional lenses, so to use them would have been unnecessary, therefore using cylindrical (one dimensional) lenses would have been obvious for that reason.

*Any assertion that something is well known is a taking of official notice.*

*Note: Any assertions that an element, practice or relationship was conventional has the incorporated motivations of the benefits of having established supply chains, well understood behavior and manufacturing methodologies.*

#### ***Information Disclosure Statement***

The examiner has in this case noticed that applicant is using the term “translation” on the document to mean “ a translated abstract” only. No translations of any references have been provided by applicant. Please note that this practice will not always be specifically identified by the examiner, and the results of describing a translated abstract as a translation can lead to a confusing record.

#### ***Conclusion***

**Art Unit: 2871**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Parker whose telephone number is **(703) 305-6202**. The fax phone number for this Group is **(703) 308-7722**. Any inquiry of a general nature or relating to the status of this application or preceding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

**May 30, 2002**



**KENNETH ALLEN PARKER  
PRIMARY PATENT EXAMINER  
GAU 2871**